



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/666,650 | 09/17/2003 | Seong Fong Chen | 029714-00101 | 8495 |
| 79439 7590 10/02/2008 Arent Fox LLP and Cardinal Health, Inc. 1050 Connecticut Ave., N.W. Suite 400 Washington, DC 20036 | | | | |
| EXAMINER | | | | |
| PENG, KUO LIANG | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1796 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 10/02/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/666,650

Applicant(s)

CHEN ET AL.

Examiner

Kuo-Liang Peng

Art Unit

1796

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/28/08 RCE.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-10, 13-15 and 42-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-51 is/are allowed.
- 6) ☒ Claim(s) 4-10, 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed June 30, 2008 has been entered. Claims 1-3, 11-12 and 16-41 are deleted. Claims 4 are amended. Claims 42-51 are added. Now, Claims 4-10, 13-15 and 42-51 are pending.

Claim Rejections - 35 USC § 102

2. Claims 4-10 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (US 2004/0126604).

Wang discloses a glove coated with a composition comprising a cetyl pyridinium chloride, a polydimethylsiloxane and an ammonium salts of alkyl phosphate. The glove can be made of natural rubber, nitrile and/or polyisoprene. ([0009], [0022], [0030]-[0034] and Examples) The glove can be powder-free. ([0047], [0080] and [0107]) Since Wang's glove reads on that of Applicants', both

gloves should possess the same properties, e.g., coefficient of friction, stickiness, double-donability, etc. *In re Best*, 195 USPQ 430 (CCPA 1977).

For Applicants' argument (Remarks, page 6, 3rd paragraph to page 7, 2nd paragraph), Wang teaches coating the gloves by a spray method or a tumbling method as described in [0040]-[0041], thereby, the surface intended not to be in contact with the skin (i.e., "**outer**" **surface**) is coated. This is further supported in [0009] where the **intra-surface tackiness** between like elastomeric articles (i.e., gloves) is reduced as a result of the coating. As such, Wang's glove's **outer surface** is indeed coated with the claimed composition that should **inherently** reduces the glove's coefficient of friction when compared to the same glove without the outer surface coating composition.

Allowable Subject Matter

3. Claims 42-51 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Wang discloses a glove coated with a composition comprising a cetyl pyridinium chloride, a polydimethylsiloxane and an ammonium salts of alkyl phosphate. The glove can be made of natural rubber, nitrile and/or polyisoprene.

([0009], [0022], [0030]-[0034] and Examples) However, as pointing out by Applicants (Remarks filed August 20, 2007, page 6, last paragraph), Wang's coating composition must contain a **moisturizing agent**. ([0010] and [0024]-[0027]) Therefore, Wang does **not** teach or fairly suggest the use of a coating composition **consist essentially of** a mixture of silicone, ammonium salts of alkyl phosphates, and cetyl pyridinium chloride.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck, can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

Art Unit: 1796

only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp
September 26, 2008

/Kuo-Liang Peng/
Primary Examiner, Art Unit 1796